

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:00-00001

WALTER SHEETS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On September 3, 2014, the United States of America appeared by Blaire L. Malkin, Assistant United States Attorney, and the defendant, Walter Sheets, appeared in person and by his counsel, George H. Lancaster, Jr., Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by Senior United States Probation Officer Greg Swisher. The defendant commenced a twenty-nine month term of supervised release in this action on September 7, 2012, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on July 27, 2010.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed the state offense of battery on April 9, 2014, by striking the daughter of his girlfriend and the state offense of violation of a protective order on April 9, 2014, by sending text messages to his girlfriend, as evidenced by his stipulation on the record of the hearing that the government possesses sufficient proof to prove the offenses by a preponderance of the evidence; (2) the defendant left the judicial district without the permission of the court or the probation officer and failed to notify the probation officer of his change in residence inasmuch as he disclosed to the probation officer via telephone on May 15, 2014, that he was in Indiana and had left for Indiana on or about April 9, 2014, rendering his whereabouts unknown; and (3) the defendant failed to answer truthfully the inquiry of the probation officer inasmuch as on April 22, 2014, the probation officer had a telephone conversation with the defendant who stated that he was in Huntington, West Virginia, applying for employment because he was going to relocate to that area, when in fact the defendant was in Indiana; all as admitted

by the defendant on the record of the hearing unless otherwise set forth above and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

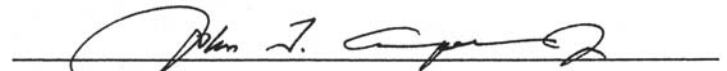
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHT (8) MONTHS, to be followed by a term of twenty-one (21) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the

defendant not commit another federal, state or local crime and the special condition that he spend a period of five (5) months in a community confinement center and follow the rules and regulations of the facility.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: September 15, 2014

  
John T. Copenhaver, Jr.  
United States District Judge